

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JUWAN SEAN EWING,
1344 Cedarcroft Road
Baltimore, MD 21239

Plaintiff,

v.

ATS MASTER TRUST
Wilmington Trust Company
1100 N. Market Street
Wilmington, DE 19890

AND

JACQUELINE NAKYA KEITT
13711 Lynn Street, #2
Woodbridge, VA 22191

AND

NESTLE WATERS NORTH AMERICA,
INC.
900 Long Ridge Rd.
Stamford, CT 06902

AND

BLUETRITON BRANDS, INC.
900 Long Ridge Rd.
Stamford, CT 06902

Defendants.

* * * * *

NOTICE OF REMOVAL

Defendant, Nestle Waters North America, Inc. ("Nestle Waters"), by and through undersigned counsel and pursuant to 28 U.S.C. §§ 1441 *et seq.*, hereby removes the instant civil

action in its entirety from the Circuit Court for Prince George's County, Maryland, to the United States District Court for the District of Maryland. This Court has original jurisdiction based on 28 U.S.C. § 1332.

The grounds for removal are set forth below.

I. Plaintiff's Action and Parties

1. On January 28, 2020, Plaintiff, Juwan Ewing ("Plaintiff") filed a Complaint against ATS Master Trust ("ATS") and Jaqueline Nakya Keitt ("Keitt"), alleging that he sustained personal injuries arising out of a motor vehicle accident.

2. Undersigned counsel, who represented ATS and Keitt, subsequently informed Plaintiff's counsel that Nestle Waters, as opposed to ATS, was the proper party in the case.

3. Despite undersigned counsel's representation, on April 8, 2022, Plaintiff filed an Amended Complaint, adding Nestle Waters and BlueTriton Brands, Inc. ("BlueTriton") as defendants, but leaving ATS and Keitt in the case as well.

4. According to the Complaint, Plaintiff is domiciled in Baltimore, Maryland.

5. Nestle Waters, (which was purchased by BlueTriton in March 2021), was a Delaware corporation with its principal place of business in Oakland, California.

6. BlueTriton is a Delaware corporation with its principal place of business in Connecticut.

7. ATS is a now-forfeited Delaware entity with its principal place of business in Delaware.

8. Keitt is an individual domiciled in Virginia.¹

¹ The caption of the Amended Complaint lists Keitt's address as 13711 Lynn Street, #2, Woodbridge, VA 22191. However, the Amended Complaint states that "Defendant Keitt is a resident of Prince George's County, Maryland." (See Am Compl. at ¶3.) Upon information and belief, paragraph 3 of the Amended Complaint is a typo, and Ms. Keitt resides in Woodbridge, VA. Therefore, removal in this matter is proper.

9. The Amended Complaint seeks damages against Defendants in an amount exceeding Seventy-Five Thousand Dollars \$75,000.

II. Jurisdiction

10. This Court has jurisdiction over this action under 28 U.S.C. § 1332; which provides in relevant part: “district courts shall have original jurisdiction of . . . all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs and is between . . . citizens of different States...”

11. There is a complete diversity of citizenship between Plaintiff and Defendants, as Plaintiff is a citizen of Maryland, and Defendants are, or could be considered, citizens of California, Connecticut, Virginia, and Delaware.

12. The amount in controversy in this action exceeds the value of \$75,000, exclusive of interest and costs.

13. Nestle Waters and BlueTriton were served in this matter on April 6, 2022.

14. BlueTriton, ATS, and Keitt consent to Nestle Waters’ removal of this action to federal court.

III. Removal Procedures

15. A copy of all process, pleadings, and orders served upon Defendant is attached hereto as Exhibit A.

16. This removal is timely under 28 U.S.C. § 1446(b) because this Notice of Removal was filed less than thirty (30) days from the date that Nestle was served with a copy of the Complaint (i.e. April 6, 2022).

17. In accordance with 28 U.S.C. §1446(d), a true and correct copy of this Notice of Removal is being filed promptly with the Clerk of the Circuit Court for Prince George’s County,

Maryland and served upon the Plaintiff. A copy (without attachments) of the Notice of Filing of Removal filed in the Circuit Court action is attached hereto as Exhibit B. The Circuit Court for Prince George's, Maryland is located within this District.

Dated: May 6, 2022

Respectfully submitted,

KIERNAN TREBACH LLP

/s/ Katherine B. Yoder

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*Attorneys for Defendants Nestle Waters North
America, Inc. BlueTriton Brands, Inc., ATS Master
Trust, and Jacqueline Nakya Keitt*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of May 2022, a copy of the foregoing **Notice of**

Removal was served, via first-class mail on:

David Ellin, Esq.
Law Office of David Ellin, P.C.
154 Westminster Pike
Reisterstown, MD 21136
Counsel for Plaintiff

/s/ Andrew S. Bassan

Andrew S. Bassan